

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

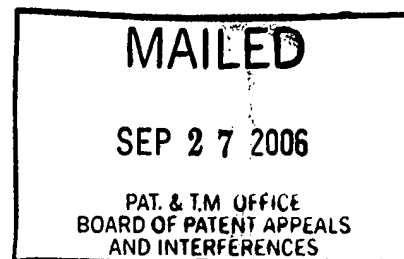
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONY MAZZURCO, JOSEPH A. CROSSETT III and
MANOUCHEHR DARABPOUR

Appeal No. 2006-2866
Application No. 09/472,534

ON BRIEF



Before KRASS, JERRY SMITH, and RUGGIERO, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 16-26.

The invention pertains to providing network protection at an interface of a cross-connect switch, best illustrated by reference to representative independent claim 16, reproduced as follows:

16. A method for line protection in a transmission switch, comprising:

receiving one or more working channels and at least one protection channel at an input interface to the transmission switch;

performing a selection at the input interface between the working and protection channels in response to a signal quality of the working and protection channels; and

switching the selected ones of the working and protection channels through one or more pre-determined matrix connections in a matrix in the transmission switch, wherein the pre-determined matrix connections are not disrupted due to the selection at the input interface between the working and protection channels.

The examiner relies on the following references:

Tokura et al. (Tokura)	5,469,428	Nov. 21, 1995
Richardson	5,479,608	Dec. 26, 1995

Claims 16-22, 25, and 26 stand rejected under 35 U.S.C. §102 (b) as anticipated by Richardson. In a new ground of rejection, entered in the answer, the examiner also rejects claims 23 and 24 under 35 U.S.C. §102 (b) as anticipated by Tokura.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

With regard to independent claims 16 and 25, it is the examiner's position that Richardson anticipates the instant claimed subject matter for the reasons set forth at pages 3-4 of the answer.

Appellants argue that Richardson fails to disclose the claim 16 limitation of "switching the selected ones of the working and protection channels through one or more pre-determined matrix connections in a matrix in the transmission switch, wherein the pre-determined matrix connections are not disrupted due to the selection at the input interface between the working and protection channels."

Similarly, with regard to independent claim 25, appellants argue that Richardson fails to disclose the limitation of "a switching matrix that switches the selected one of the inbound working and protection channels over a pre-determined matrix connection, wherein the pre-determined matrix connection is not disrupted in response to the selection of the inbound working and protection channel."

Essentially, it is appellants' position that Richardson teaches away from the instant invention in that Richardson's switching matrix is disrupted due to the selection of the inbound working and protection channels, whereas in the instant invention, protection switching is performed at the interfaces to the cross-connect switch and not in the switching matrix. This is said to avoid any creation or deletion of matrix connections, and the switching matrix "can maintain its pre-determined matrix connections regardless of which one of working channel 24 and protection channel 26 is selected" (principal brief-page 7 and specification, page 6, line 34, through page 7, line 3). At pages 7-8 of

the principal reference, appellants analyze Richardson's Figures 2 and 3a-3h to show that the matrix connections therein are switched, concluding that the pre-determined matrix connections are disrupted in Richardson, which is the antithesis of what is claimed by appellants.

The examiner responds by arguing that Richardson discloses that if a signal failure is detected on a working path (Figures 3b, 3c, element 4_{1BA}) at port MA1I, the protection path, P_{BA}, is used. Thus, the examiner asserts that Figures 3b and 3c "show that in light of a signal failure at member input port MA1I, signal is bridged from first stage head port B1I in cross-connect switch (Figure 3b, element 2B) to both third stage member input port MB10 and protection output port PBO through center stage (Figure 3b, element 22B) in node B" (answer-page 7). The examiner interprets center stage in the cross-connect switch as the claimed matrix in a transmission switch.

The examiner also asserts that Richardson discloses that the signal is still being provided over connections in the center stage in node B to input interface of the third stage, specifically to protection port PBO for transmission over protection path P_{BA} and also to member port MB10, and concludes that this teaches the idea of non-disruption of matrix connections. Referring to column 10, lines 43-67, column 11, lines 1-32, and Figures 3b and 3c of Richardson, the examiner states that the "signal is being received at node A via protection path P_{BA} and routed to head output port A10 in same manner as normal function but failure is avoided" (sic, answer-page 8).

We have reviewed the evidence before us, including the disclosure of the applied reference and the arguments of appellants and the examiner and we conclude that the subject matter of claims 16-22, 25, and 26 is not anticipated by Richardson.

We agree with appellants' analysis of Richardson. The examiner interprets the center stage 22B of Richardson in the cross-connect switch to be the claimed matrix in a transmission switch (answer-page 7), and the examiner "agrees that Richardson discloses a third stage bridge for signal from input head port B1I to reach both member input port MB10 and protection port PBO" (answer-page 8). Thus, as appellants point out at page 9 of the reply brief, it appears that the examiner admits that a bridge or matrix disruption is occurring in the third stage of the matrix from input head port B1I to reach both member input port MB10 and protection port PBO. As appellants argue, at page 9 of the reply brief, "[s]ince the selection in the Richardson reference is occurring by a bridge in the third stage of the three stage Clos matrix as admitted by the Examiner, then selection is not occurring at an input interface and the pre-determined matrix connections are being disrupted," which is the antithesis of what is claimed, i.e., that the pre-determined matrix connections are not disrupted due to the selection at the input interface between the working and protection channels."

Accordingly, we will not sustain the rejection of claims 16-22, 25, and 26 under 35 U.S.C. §102 (b).

We turn now to the rejection of claims 23 and 24 under 35 §102 (b) over Tokura.

It is the examiner's position that Figure 5 of Tokura discloses the subject matter of independent claim 23. Appellants take the opposite position and argue that Tokura does not disclose "in response to a line failure, routing information on inbound working channel to outbound protection channel and routing information on inbound protection channel to outbound working channel at an input/output interface, wherein routing of the working and protection channels at the input/output interface prevents information from being provided to the matrix such that the matrix connections are not disrupted."

Specifically, appellants point to column 7, lines 12-13, and Figure 5 of Tokura, indicating that the loop-back in the unit of a path may be made by using a path switch 52 in the node. Appellants conclude therefrom that Tokura fails to teach routing of the working and protection channels at the input/output interface for preventing information from being provided to a matrix such that the matrix connections are not disrupted, as claimed.

It appears to us that if there is a "loop-back" being performed in the path switch 52 of Tokura, routing of channels must be taking place in the path switch, rather than a routing of information on working and protection channels at the input/output interface, preventing information from being provided to the matrix such that the matrix connections are not disrupted, as required by claim 23. Since there is no further

explanation by the examiner as to why this interpretation is incorrect, we will not sustain the rejection of claims 23 and 24 under 35 §102 (b) over Tokura, as we find no prima facie case of anticipation.

The examiner's decision rejecting claims 16-26 under 35 §102(b) is reversed.

REVERSED



ERROL A. KRASS
Administrative Patent Judge

Jerry Smith
JERRY SMITH

JERRY SMITH
Administrative Patent Judge

Joseph F. Ruggier
JOSEPH F. RUGGIER

JOSEPH F. RUGGIERO
Administrative Patent Judge

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